

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

In re:	:	Chapter 11
	:	
F-SQUARED INVESTMENT	:	BK Case No. 15-11469 (LSS)
MANAGEMENT LLC, et al.,	:	
	:	
Debtors.	:	
	:	
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CRAIG JALBERT, in His Capacity as	:	
Trustee of F2 Liquidating Trust,	:	
	:	
Appellant,	:	
	:	
v.	:	C. A. No. 18-1214-LPS
	:	
Rooker Price,	:	Adv. Proc. No. 17-50710 (LSS)
Adam Graves,	:	Adv. Proc. No. 17-50727 (LSS)
Brian Doherty,	:	Adv. Proc. No. 17-50737 (LSS)
John Greg Whitaker,	:	Adv. Proc. No. 17-50771 (LSS)
Kate Kinlin,	:	Adv. Proc. No. 17-50781 (LSS)
Lisa Quinn,	:	Adv. Proc. No. 17-50796 (LSS)
Mark Ramunno,	:	Adv. Proc. No. 17-50801 (LSS)
Michael Fardy,	:	Adv. Proc. No. 17-50810 (LSS)
Nicole Miller,	:	Adv. Proc. No. 17-50814 (LSS)
Stephen Degnan,	:	Adv. Proc. No. 17-50830 (LSS)
Walter Hartford,	:	Adv. Proc. No. 17-50836 (LSS)
William McNamara,	:	Adv. Proc. No. 17-50838 (LSS)
Zachary Zeltsan,	:	Adv. Proc. No. 17-50840 (LSS)
Shannon Price,	:	Adv. Proc. No. 17-50867 (LSS)
Evgeny Burnaev,	:	Adv. Proc. No. 17-50667 (LSS)
Elena Zarubina,	:	Adv. Proc. No. 17-50698 (LSS)
Alexey Panchekha,	:	Adv. Proc. No. 17-50730 (LSS)
Emily Meyer,	:	Adv. Proc. No. 17-50757 (LSS)
William Monahan,	:	Adv. Proc. No. 17-50839 (LSS)
Svitlana Senenko,	:	Adv. Proc. No. 17-50845 (LSS)
Robert Gottlieb,	:	Adv. Proc. No. 17-50862 (LSS)

RECOMMENDATION

At Wilmington this **13th** day of **September, 2018**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern

Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review, which included information from counsel through a joint letter dated September 4, 2018, to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues involved in this case are not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process.

This matter involves an appeal by the Appellant-Trustee from an Order of the Bankruptcy Court granting and denying in part the Trustee's motion for reconsideration of his request for extending time to effect service and for amended relief. Appellant requests that to spare the costs, expense and delay of this appeal, mediation proceed expeditiously. Appellees argue that mediation is not appropriate at this time because this Court lacks appellate jurisdiction over this matter, the issues on appeal are binary and not conducive to mediation and all adversary proceeding filed by the appellant in the underlying debtor case are presently stayed. A motion to dismiss for lack of subject matter jurisdiction/lack of appellate jurisdiction was filed in this Court at D.I. 5 and is presently pending. Objections to Appellees' motion were filed on August 30, at D.I. 6, and the reply brief was filed on September 7, 2018 at D.I. 7. Therefore, briefing on this issue is complete.

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral

for mediation and proceed through the appellate process of this Court. The parties are advised herein of their right to file objections to this Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng
Chief U.S. Magistrate Judge Mary Pat Thyng